

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY THOMAS OSTDIEK, United States  
Citizen of Marilyn Kathryn Lubischer and Jerry  
Thomas Ostdiek;

Plaintiff,

vs.

SARPY COUNTY COURT PROSECUTOR,  
and All Known Associates; and GAGE COBB,  
and All Known Associates;

Defendants.

**8:19-CV-483**

**ORDER**

This matter comes before the Court on Plaintiff's request for an extension of time in which to serve Defendants. [Filing 10](#). On February 3, 2020, this Court ordered Plaintiff to show cause why this case should not be dismissed for his failure to prosecute pursuant to [Fed. R. Civ. P. 4\(m\)](#). [Filing 9](#). In response, Plaintiff did not present any reason to the Court why he has been unable to serve Defendants to date. *See* [Filing 10](#). Rather, Plaintiff requested this Court grant him an additional ninety days in which to serve Defendants. [Filing 10](#).

Having reviewed the matter, the Court concludes it is not required to grant Plaintiff the extension he seeks. [Fed. R. Civ. P. 4\(m\)](#) requires a court to extend the time for service only "if the plaintiff shows good cause for the failure" to effect service. Furthermore, any extension need only be "for an appropriate period." [Fed. R. Civ. P. 4\(m\)](#). Because Plaintiff has not shown good cause, the Court is not required to grant an extension, much less one that effectively doubles Plaintiff's service time.

Nevertheless, the Court will, in its discretion, grant Plaintiff a single extension of thirty days within which to serve Defendants.<sup>1</sup> No further extensions will be allowed.

IT IS ORDERED:

1. Plaintiff's Motion to Extend, [Filing 10](#), is granted;
2. Plaintiff is granted an extension to March 12, 2020, in order to comply with [Fed. R. Civ. P. 4](#) by serving summons upon Defendants and providing appropriate notice to the Court;
3. Should Plaintiff fail to comply with [Fed. R. Civ. P. 4](#) on or before March 12, 2020, the case will be dismissed without prejudice and without further notice.

Dated this 11th day of February, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge

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<sup>1</sup> Although the Court grants Plaintiff an extension, it has serious reservations that the case could survive a challenge on the merits if Plaintiff is, in fact, able to perfect service.